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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

AUTOMOTIVE INDUSTRIES PENSION
TRUST FUND, JAMES H. BENO, Trustee,
BILL BRUNELLI, Trustee, STEPHEN J.
MACK, Trustee, CHRIS CHRISTOPHERSEN,
Trustee, DON CROSATTO, Trustee, MARK
HOLLIBUSH, Trustee, GEORGE HALL, JR.,
Trustee, CHARLES J. DI BARI, Trustee,
DOUGLAS CORNFORD, Trustee, and JAMES
V. CANTERBURY, Trustee,

Plaintiffs,

v.

CAPITOL DODGE, INC., a California
corporation, doing business as HARTZHEIM
DODGE,

Defendants.

Case No.: C 10-04607 JCS

**REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT
CONFERENCE; AND [PROPOSED]
ORDER**

Date: January 21, 2011
Time: 1:30 p.m.
Location: 450 Golden Gate Avenue
San Francisco, California
Ctmm: A, 15th Floor
Judge: Honorable Joseph C. Spero

Plaintiffs hereby submit their Request for Continuance of Case Management Conference
currently scheduled for January 21, 2011 at 1:30 p.m.

- The Complaint in this matter was filed on October 13, 2010 for Defendant's
violation of its obligation under ERISA (29 U.S.C. 1399(a)) to provide information
requested by Plaintiffs within 30 days to enable Plaintiffs to determine matters
related to Defendant's withdrawal liability.

- 1 - REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE; [PROPOSED] ORDER
CASE NO. C 10-04607 JCS

2. On October 21, 2010 the Summons and Complaint was served on Defendant.
3. On December 1, 2010 the clerk entered Defendant's default.
4. On January 4, 2011 Plaintiffs filed a First Amended Complaint adding a cause of action against Defendant for collection of the withdrawal liability assessed against Defendant.
5. On January 5, 2011 the clerk issued the Summons on the First Amended Complaint.
6. On January 11, 2011 the Summons and First Amended Complaint was served on Defendant.
7. Defendant has 20 days from the date of service described in paragraph 6 above within which to file and serve a responsive pleading to the First Amended Complaint.
8. Should Defendant fail to respond to the First Amended Complaint, Plaintiffs will seek entry of default as to Defendant on the First Amended Complaint and move for default judgment.
9. Therefore, there is nothing for the Court to consider at this time.
10. Plaintiffs respectfully request that, in order to minimize costs and fees in this action, the Case Management Conference be continued for a period of at least 60 days to allow for Defendant to respond to the First Amended Complaint and for

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1 Plaintiffs to prepare and file a Motion for Default Judgment should Defendant fail
2 to respond.

3 Date: January 13, 2011

SALTZMAN & JOHNSON LAW CORPORATION

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5 By: /s/ Kimberly A. Hancock
6 Kimberly A. Hancock
7 Attorneys for Plaintiffs

8 IT IS SO ORDERED.

9 Based on the foregoing, and for GOOD CAUSE appearing, the Case Management
10 Conference currently scheduled for January 21, 2011 at 1:30 p.m. is hereby continued to
11 March 18, 2011.

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13 Dated: 01/14/11

14 Honorable _____
15 United States _____
16 Northern District of California _____
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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On January 13, 2011, I served the following document on the parties to this action, addressed as follows, in the manner described below:

**REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; AND
[PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

XX **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth below, in a sealed envelope fully prepared.

— **FACSIMILE** be causing said document to be transmitted by Facsimile machine to the number indicated after the address(es) set forth below.

— **UPS** for delivery the following business day by placing same for collection by UPS to the business addresses set forth below.

— **PERSONAL DELIVERY** by placing said document in a sealed envelope and causing it to be personally delivered to the address(es) set forth below.

Addressed to:

Glenn N. Hartzheim, Sr. Capitol Dodge, Inc. doing business as Hartzheim Dodge 1790 Dry Creek Road San Jose, California 95124	Glenn N. Hartzheim, Jr., President Capitol Dodge, Inc. doing business as Hartzheim Dodge 6156 Moss Oak Way San Jose, California 95120
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 13th day of January, 2011, at San Francisco, California.

_____/S/_____
Julie Jellen